

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JEFFERSON-PILOT LIFE	:	NO. 1:02-CV-00479
INSURANCE COMPANY,	:	
	:	
Plaintiff,	:	
	:	<b>ORDER</b>
v.	:	
	:	
CHRISTOPHER L. KEARNEY,	:	
	:	
Defendant.	:	

This matter is before the Court on Plaintiff's Motion for Extension of Time (doc. 28), and Defendant's Response in Opposition (doc. 29).

Plaintiff's newly substituted counsel requests an extension of time in order to respond to Defendant's November 3, 2003 Motion for Summary Judgment, as well as an extension of time to take Defendant's deposition (doc. 28). Plaintiff's former counsel, Geraldine Johnson, was forced to withdraw as counsel on February 3, 2004 due to health reasons (doc. 26). Plaintiff's new counsel filed an entry of appearance the same day (doc. 27). The parties had previously scheduled the deposition of Defendant Kearney for February 5, 2004 (doc. 28). Plaintiff's new counsel requested that Defendant reschedule the deposition, and allow for a brief extension of time for Plaintiff to respond to Defendant's Motion for Summary Judgment, due on February 16, 2004 (doc. 28). Defendant refused (Id.).

Defendant indicates in his Response that there is no

reason to delay the date for Plaintiff's Response to Defendant's Motion for Summary Judgment, as the parties had previously agreed to February 16, 2004, and as the issue in his Motion for Summary Judgment is an issue of law (doc. 29). Defendant argues that colleagues of Ms. Johnson were ready and prepared to take his deposition, but instead of allowing them to go ahead, Plaintiff chose to hire new counsel (Id.). Defendant argues that his deposition has already been rescheduled three times, and that the delay of this litigation is detrimental to his health (Id.). Defendant concludes that Plaintiff's Motion should be denied, but that his deposition should be rescheduled at a time convenient for all (doc. 29).

Having reviewed this matter, the Court finds regrettable the delay in this case which apparently can be attributed to a number of factors. One factor appears to be a lack of cooperation in discovery, and the Court strongly encourages counsel for both parties to conform to their obligations under the rules. The Court sees no need to extend the deadline for Plaintiff to respond to Defendant's Motion for Summary Judgment, as such Response was timely filed on February 16, 2004 (doc. 30). However, the Court finds that as the parties agree that the deposition of Defendant should be rescheduled at a time convenient for all, the parties should indeed schedule and complete such deposition forthwith.

Accordingly, the Court GRANTS Plaintiff's Motion for an Extension of Time (doc. 28), to the extent that the Court ORDERS the parties to complete the deposition of Defendant Kearney on or before May 10, 2004.

SO ORDERED.

Dated: April 21, 2004

s/S. Arthur Spiegel  
S. Arthur Spiegel  
United States Senior District Judge